

OCT 11 2006

Appl. No. 10/735,218
Reply dated October 11, 2006
Reply to Final Office Action mailed August 4, 2006

REMARKS

Applicant thanks for the examiner for the time to conduct the interview on October 10, 2006. Pursuant to that interview in which it was agreed that claim 52 as written was allowable over the prior art, Applicant has elected to cancel the remaining claims and file those in a continuation application.

PRIOR ART REJECTIONS

Claim 52-55 and 57-64 have been finally rejected as being anticipated by US Patent No. 5,514,426 to Yacenda et al. ("Yacenda"). In order to anticipate the claims, Yacenda must disclose each claim element. However, Yacenda does not disclose each element of each independent claim and therefore does not anticipate the independent claims.

Independent Claim 52

Contrary to the Examiner's statement that all elements are disclosed in Yacenda, element "a badge having a microphone that accepts a voice-based locate command" is not, so the rejection is unsupported by the art and should be withdrawn.

The examiner has pointed to Col. 25, lines 25-54 to Yacenda to support his argument that Yacenda discloses "a badge having a microphone that accepts a voice based locate command. *See Final Office Action, pg. 2.* However, Yacenda discloses an automated operator that responds to voice commands or keypad entries from the calling party (not from the badge) to manage the telephone calls. *See Yacenda, Col. 25, lines 25-29.* The automated operator, if it recognizes the name spoke by the calling party, determines the location of the called party (the badge user) using the locator function. *See Yacenda at Col. 25, lines 40-42.* Thus, Yacenda discloses that a calling party (not a badge user) can issue a voice command and the automated operator issues a locate command, but not that the badge itself receives a voice-based command to locate a user or a member of a group of users as set forth in the claims. Therefore, Yacenda does not disclose this feature of claim 52 and this claim is in condition for allowance and should be allowable over Yacenda.

Claim 59 is allowable over Yacenda for at least the same reasons as claim 52.

Page 3 of 4

EM7210441.1
350942-991102

OCT 11 2006

Appl. No. 10/735,218
Reply dated October 11, 2006
Reply to Final Office Action mailed August 4, 2006

CONCLUSION

In view of the above, it is respectfully submitted that Claims 52 and 59 are allowable over the prior art cited by the Examiner and early allowance of these claims and the application is respectfully requested.

The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

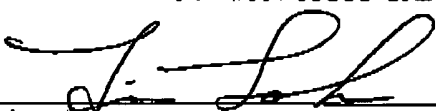
The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP

Dated: 10-11-06

By



Timothy W. Lohse

Reg. No. 35,255

Attorney for Applicant

DLA PIPER RUDNICK GRAY CARY US LLP
2000 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 833-2055